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1982

# Utility Shareholder Association of Utah et al v. Public Service Commission of Utah et al : Errata to Joint Brief of Utah Department of Business Regulation, Division of Public Utilities and Utah Committee of Consumer Services

Utah Supreme Court

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IN THE SUPREME COURT OF THE STATE OF UTAH

UTAH DEPARTMENT OF ADMINISTRATIVE  
SERVICES, UTAH COALITION OF SENIOR  
CITIZENS, UTAH UTILITY SHAREHOLDERS  
ASSOCIATION, ALEX OBLAD and HAROLD  
BURTON,

Plaintiffs/Appellants,

v.

PUBLIC SERVICE COMMISSION OF UTAH;  
MILLY O. BERNARD, Chairman; DAVID  
IRVINE, Commissioner; and BRENT  
CAMERON, Commissioner,

Respondents,

MOUNTAIN FUEL SUPPLY COMPANY, a Utah  
Corporation; WEXPRO COMPANY, a Utah  
corporation; UTAH DEPARTMENT OF BUSI-  
NESS REGULATION, DIVISION OF PUBLIC  
UTILITIES; and UTAH COMMITTEE OF  
CONSUMER SERVICES,

Defendants/Intervenor-  
Respondents.

Case Nos. 18286, 18303, 18304

ERRATA TO JOINT BRIEF OF UTAH DEPARTMENT OF BUSINESS REGULATION,  
DIVISION OF PUBLIC UTILITIES, AND  
UTAH COMMITTEE OF CONSUMER SERVICES

THOMAS A. QUINN, ESQ. and A. ROBERT THORUP, ESQ. of  
RAY, QUINNEY & NEBEKER, P.C.

Attorneys for the Division and the Committee

PLAINTIFFS/APPELLANTS

Attorneys for the Utah  
Department of Administrative  
Services:

JAY D. GURMANKIN, ESQ.  
STEPHEN H. BLUM, ESQ.

Attorneys for the Coalition  
of Senior Citizens:

BRUCE PLENK, ESQ.  
RONALD E. NEHRING, ESQ.

Attorneys for Utah Utility  
Shareholders Association:

DONALD B. HOLBROOK, ESQ.  
ELIZABETH M. HOBBS, ESQ.

OTHER DEFENDANTS/RESPONDENTS

Attorneys for Mountain Fuel  
Supply Company:

EDWARD W. CLYDE, ESQ.  
ROBERT S. CAMPBELL, ESQ.  
GREGORY B. MONSON, ESQ.  
R. G. GROUSSMAN, ESQ.

Attorneys for Wexpro Company:  
CALVIN L. RAMPTON, ESQ.

FILED

JUL 28 1982


COME NOW Defendants/Intervenor-Respondents Utah Division of Public Utilities and Utah Committee of Consumer Services and notify the Court and all parties of the following corrections which should be made to the Joint Brief filed by the Division and the Committee dated July 14, 1982:

<u>Page No.</u>	<u>Line No.</u>	<u>Prior Erroneous Language</u>	<u>Corrected Language</u>
ii	3(a)	"Is the Settlement Should Be a Fair and . . ."	"Is the Settlement a Fair and . . ."
vi	4	" <u>S.E.C. v. Cheney Corp.</u> "	" <u>S.E.C. v. Chenery Corp.</u> "
3	11	". . . and Agreement, and their motion for approval of, the Settlement" . . .	". . . and Agreement and their motion for approval of the Settlement . . ."
7	14	". . . passed to the rate-payers, fair market value . . ."	". . . passed to the rate-payers fair market value . . ."
15	17	". . . as with Productive Productive Oil Reservoirs . . ."	". . . as with Productive Gas Reservoirs . . ."
24	19	". . . what was left of cost-of-service gas . . ."	". . . what would be left of cost-of-service gas . . ."
28	13	". . . without violating the 'no-profit-to affiliates rule'	". . . without violating the 'no-profit-to-affiliates rule' . . ."
35	1	"nd after a Commission finding . . ."	"and after a Commission finding . . ."
37	19	"'No Profit-to-Affiliates Rule' Is Met."	"The 'No Profit-to-Affiliates Rule' Is Met."
39	18	". . . noted that in <u>Cities Service</u> cost-of-service pricing . . ."	". . . noted that, in <u>Cities Service</u> , cost-of-service pricing . . ."

<u>Page No.</u>	<u>Line No.</u>	<u>Prior Erroneous Language</u>	<u>Corrected Language</u>
45	fn 20 line 9	". . . stymied by Division action, and based on . . ."	". . . stymied by Division action, and, based on . . ."
48	19	". . . could take place for fair market value, 595 P.2d . . ."	". . . could take place for fair market value. 595 P.2d . . ."
48	Pages 48 and 47 are misordered.		
49	9	". . . commonly agreed to legal and . . ."	". . . commonly agreed-to legal and . . ."
55		"352 South Denver Sgreet	"352 South Denver Street"

Respectfully submitted this 27<sup>th</sup> day of July, 1982.

RAY, QUINNEY & NEBEKER

  
 Thomas A. Quinn  
 A. Robert Thorup  
 Special Assistant Attorneys  
 General

THE ATTORNEY GENERAL  
 David L. Wilkinson

and

Craig Rich  
 Assistant Attorney General

Counsel for Utah Division of  
 Public Utilities and Utah  
 Committee of Consumer Services

CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of July, 1982,  
copies of the foregoing Errata to Joint Brief were mailed, first  
class postage prepaid, to:

Robert S. Campbell, Esq.  
Gregory Monson, Esq.  
WATKISS & CAMPBELL  
310 South Main Street  
Suite 1200  
Salt Lake City, Utah 84101

Edward W. Clyde, Esq.  
CLYDE, PRATT, GIBBS & CAHOON  
77 West Second South, Suite 200  
Salt Lake City, Utah 84111

Calvin L. Rampton, Esq.  
JONES, WALDO, HOLBROOK  
& McDONOUGH  
800 Walker Building  
Salt Lake City, Utah 84111

Ray G. Groussman, Esq.  
Gary Sackett, Esq.  
MOUNTAIN FUEL SUPPLY COMPANY  
180 East First South  
Salt Lake City, Utah 84139

Donald Holbrook, Esq.  
Elizabeth Haslem, Esq.  
JONES, WALDO, HOLBROOK  
& McDONOUGH  
800 Walker Building  
Salt Lake City, Utah 84111

Bruce Plenk, Esq.  
Ron Nehring, Esq.  
Utah Legal Services  
352 South Denver Street  
Salt Lake City, Utah 84111

The Public Service Commission  
600 State Office Building  
Salt Lake City, Utah 84112

Jay David Gurmankin, Esq.  
500 Kearns Building  
Salt Lake City, Utah 84101



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IN THE SUPREME COURT OF THE STATE OF UTAH

**FILED**

AUG 27 1982

Clerk, Supreme Court, Utah

UTAH DEPARTMENT OF ADMINISTRATIVE  
SERVICES, UTAH COALITION OF SENIOR  
CITIZENS, UTAH UTILITY SHAREHOLDERS  
ASSOCIATION, ALEX OBLAD and HAROLD  
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Defendants/Intervenor-  
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Case Nos. 18286,  
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CORRECTION TO JOINT BRIEF OF DEPARTMENT OF BUSINESS REGULATION,  
DIVISION OF PUBLIC UTILITIES AND COMMITTEE OF CONSUMER SERVICES

THOMAS A. QUINN, ESQ. and A. ROBERT THORUP, ESQ. of  
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Attorneys for the Division and the Committee

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JAY D. GURMANKIN, ESQ.  
STEPHEN H. BLUM, ESQ.

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Attorneys for Wexpro Company:  
CALVIN L. RAMPTON, ESQ.




COMES NOW Department of Business Regulation, Division of Public Utilities (the "Division"), and the Committee of Consumer Services (the "Committee") and jointly file this Correction to the Joint Brief filed previously by these parties.

On page 28 of its Reply Brief, the Department severely criticizes the Division and the Committee for having "no basis in the record for the contention that the provision of cost-of-service gas will benefit the ratepayers \$2,000,000,000.00 over the next twenty (20) years." Admittedly, the citation in the Division's and the Committee's Joint Brief to "Exhibit S-2" is a typographical error. "Exhibit S-2" is, as described by the Department, a letter from learned FERC counsel supporting the settlement. The citation should have been to a letter addressed to, and prepared at the request of, Chairman Milly O. Bernard, outlining the estimated financial benefits to Utah ratepayers from the Settlement dated October 15, 1981, a copy of which is attached as Exhibit "A" to this Correction. Additionally, the record is replete with support for the \$2,000,000,000.00 figure including, for example, witness Roseman's testimony at page 1018 of the official transcript:

Since the company is producing currently somewhere in the neighborhood of 50 million mcf a year for which it is charging consumers, as I recall the numbers, a little less than a dollar per mcf, that could mean in a very few years that the very same gas could be charged to consumers at a rate of \$5.00 per mcf. A very simple calculation indicates a couple hundred million dollars a year of additional charges to the consumers and ratepayers of the company. That seemed to me to be the single largest risk.

Simple mathematics indicate that even a \$2.50 per Mcf difference, which is far less than the difference between "a little less than a dollar" and "five dollars" used by witness Roseman, yields a gross differential over 20 years of \$2.5 billion lost to the ratepayers ( $\$2.50 \times 50,000,000 \text{ Mcf} \times 20 \text{ years} = \$2.5 \text{ billion}$ ).

Respectfully submitted this 27th day of August, 1982.

  
\_\_\_\_\_  
Thomas A. Quinn and  
A. Robert Thorup  
Attorneys for the Division of  
Public Utilities and Utah  
Committee of Consumer Services .



CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of August, 1982,  
copies of the foregoing Correction to Joint Brief were mailed,  
first class postage prepaid, to:

Robert S. Campbell, Esq.  
Gregory Monson, Esq.  
WATKISS & CAMPBELL  
310 South Main Street  
Suite 1200  
Salt Lake City, Utah 84101

Edward W. Clyde, Esq.  
CLYDE, PRATT, GIBBS & CAHOON  
77 West Second South, Suite 200  
Salt Lake City, Utah 84111

Calvin L. Rampton, Esq.  
JONES, WALDO, HOLBROOK  
& McDONOUGH  
800 Walker Building  
Salt Lake City, Utah 84111

Ray G. Groussman, Esq.  
Gary Sackett, Esq.  
MOUNTAIN FUEL SUPPLY COMPANY  
180 East First South  
Salt Lake City, Utah 84139

Donald Holbrook, Esq.  
Elizabeth Haslem, Esq.  
JONES, WALDO, HOLBROOK  
& McDONOUGH  
800 Walker Building  
Salt Lake City, Utah 84111

Bruce Plenk, Esq.  
Ron Nehring, Esq.  
Utah Legal Services  
352 South Denver Street  
Salt Lake City, Utah 84111

The Public Service Commission  
600 State Office Building  
Salt Lake City, Utah 84112

Jay David Gurmankin, Esq.  
500 Kearns Building  
Salt Lake City, Utah 84101



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